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Attorneys for Plaintiffs
9 NEO4J, INC. and NEO4J SWEDEN AB

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 NEO4J, INC., a Delaware corporation, and
13 NEO4J SWEDEN AB, a Swedish
corporation,

14 Plaintiffs,

15 v.

16 GRAPH FOUNDATION, INC., an Ohio
17 corporation, GRAPHGRID, INC., an Ohio
corporation, and ATOMRAIN INC., a
18 Nevada corporation,

19 Defendants.

CASE NO. 5:19-cv-06226-EJD

**STIPULATION AND [PROPOSED]
ORDER TO ALLOW PLAINTIFFS TO
FILE A CONSOLIDATED OPPOSITION
TO DEFENDANTS' MOTIONS TO
DISMISS**

STIPULATION

Plaintiff and Counter-Defendants Neo4j, Inc. and Neo4j Sweden AB (collectively “Plaintiffs”) and Defendants Graph Foundation, Inc. (“GFI”), GraphGrid, Inc. (“GraphGrid”) and AtomRain, Inc. (“ARI” and with GFI and GraphGrid, collectively “Defendants”), by and through their counsel of record, hereby stipulate as follows:

WHEREAS, on August 21, 2020, ARI and GraphGrid filed their Motion to Dismiss the First Amended Complaint, which seeks the dismissal of the Fifth Cause of Action for Unauthorized Distribution of Altered Copyright Management Information – 17 U.S.C. § 1202(b) and the Seventh Cause of Action for Unfair and Fraudulent Business Practices – Cal. Bus. Prof. Code §§ 17200 et seq. asserted against them. *See* Dkt. No. 74.

WHEREAS, on August 21, 2020, GFI filed its Motion to Dismiss the Fifth, Six and Seventh Causes of Action of the First Amended Complaint. *See* Dkt. No. 75.

WHEREAS, Plaintiffs’ oppositions to these pending motions to dismiss are currently due on September 21, 2020.

WHEREAS, there is substantial overlap in the arguments made in Defendants’ motions to dismiss. As a result, Plaintiffs’ arguments in opposition thereto will be substantially similar and will be based on substantially similar arguments and legal authority.

WHEREAS, the parties agree that Plaintiffs’ filing of a consolidated opposition to these motions would greatly reduce duplication that would likely occur in separately-filed oppositions to each motion. Likewise, Plaintiffs’ filing of a consolidate opposition will reduce the overall number of pages required to separately oppose Defendants’ motions.

WHEREAS, in the interest of judicial economy, to reduce the potential for duplication and to lower the total number of pages that would result in Plaintiffs submitting separate oppositions, the parties agree that Plaintiffs may file a consolidated opposition to Defendants’ motions to dismiss not to exceed 35 pages.

WHEREAS, nothing herein shall preclude Defendants from filing separate reply briefs supporting their respective motions to dismiss as provided by Civ. L.R. 7-3(c).

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1 ACCORDINGLY, IT IS HEREBY STIPULATED that Plaintiffs shall be permitted to file
2 a consolidated opposition in response to ARI and GraphGrid's Motion to Dismiss (Dkt. No. 74)
3 and GFI's Motion to Dismiss (Dkt. No. 75) not to exceed 35 pages.

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5 Dated: September 16, 2020

HOPKINS & CARLEY
A Law Corporation

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7 By: /s/ Jeffrey M. Ratinoff

Jeffrey M. Ratinoff
Attorneys for Plaintiffs and
Counter-Defendants
NEO4J, INC. and NEO4J SWEDEN AB

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9
10 Dated: September 16, 2020

SKAGGS FAUCETTE LLP

11 By: /s/ Jeffrey E. Faucette

Jeffrey E. Faucette
Attorneys for Defendants GRAPHGRID,
INC. and ATOMRAIN INC.

12
13 Dated: September 16, 2020

BERGESON, LLP

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15 By: /s/ John D. Pernick

John D. Pernick
Attorneys for Defendant
GRAPH FOUNDATION, INC.

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17 **IT IS SO ORDERED.**

18
19 Dated: _____

20 EDWARD J. DAVILA
United States District Court Judge

ATTESTATION OF E-FILED SIGNATURE

Pursuant to Local Rule 5-1(i)(3), I hereby certify that I have obtained the concurrence in the filing of this document from all signatories for whom a signature is indicated by a “conformed” signature (/s/) within this electronically filed document and I have on file records to support this concurrence for subsequent production to the Court if so ordered or for inspection upon request.

Dated: September 16, 2020

HOPKINS & CARLEY
A Law Corporation

By: /s/ Jeffrey M. Ratinoff

John V. Picone III
Jeffrey M. Ratinoff
Attorneys for Plaintiffs
NEO4J, INC. and NEO4J SWEDEN AB